

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**JOSHUA BLACKBURN, individually and
on behalf of all others similarly situated,**

Plaintiff,

vs.

**CONDUENT COMMERCIAL
SOLUTIONS, LLC,**

Defendant.

Case No.: 1:19-CV-01229-RP

Judge Robert Pittman

**JOINT MOTION TO EXTEND THE STAY OF THIS CASE
AND TO EXTEND THE PARTIES' STIPULATION REGARDING
TOLLING OF THE STATUTE OF LIMITATIONS PURSUANT TO 29 U.S.C. § 216(b)**

Plaintiff Joshua Blackburn and Defendant Conduent Commercial Solutions, LLC (collectively, "the Parties") jointly move the Court to extend the stay of this case, and stipulate to extend the tolling of the statute of limitations for all persons who become members of any putative class in this action from April 9, 2020 until August 31, 2020. In support of their motion, the Parties aver as follows:

1. On April 9, 2020, the Parties filed a joint motion requesting that this case be stayed from April 9, 2020 until July 15, 2020 in light of ongoing settlement negotiations. (Doc. 66.) In their motion, the Parties also stipulated that the statute of limitations would be tolled from April 9 until July 15, 2020 for all future opt-in plaintiffs. (*Id.*) On April 21, 2020, the Court granted the Parties' joint motion. (Doc. 68.)
2. The Parties are still engaged in settlement negotiations and have scheduled a meditation for July 28, 2020. Given the challenges posed by the COVID-19 pandemic, July 28 is the first

mutually agreeable date for the Parties' counsel and the mutually agreed upon mediator. Accordingly, the Parties now request a stay of this case until August 31, 2020.

3. The Parties further stipulate that the statute of limitations for all future opt-ins, if any, will be correspondingly tolled from April 9, 2020 until August 31, 2020. The Parties agree that this tolling period is the same length as the stay and is contingent on the stay remaining in place until August 31, 2020.

4. If the stay is terminated early, the Parties agree that the tolling period ends on the date on which the stay ends. This tolling agreement extends only to the future opt-ins' potential claims under the FLSA in this lawsuit; it does not extend to any FLSA claims or other claims that the future opt-ins may assert in any other current or future lawsuit against Defendant.

5. No prejudice will result to either Party by granting this request, nor will any putative class member be prejudiced, as the Parties stipulate to tolling of the statute of limitations as is set forth above.

6. The Parties attest this motion is not made for the purpose of the delay.

WHEREFORE, the Parties respectfully request that the Court grant their request to extend the stay of this case and correspondingly toll the statute of limitations so that the Parties can pursue a potential resolution to this matter.

Respectfully submitted this 26th day of May, 2020.

/s/ Nicole S. Adler

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CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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